EXCERPTS OF NARRATIVE STATEMENT OF DIRECT TESTIMONY OF ORM ANILINE, M.D., Ph.D.

54. The foregoing recitation of events are the most significant facts which underlie my diagnois and evaluation of Michael Jackson's cerebral dysfunction at the time of the homicide on August 31, 1983. In marking this diagnosis and evaluation I am going to show both how this could have been done to a reasonable medical certainty of 90% in 1983 and why my opinion today is of a 95% medical certainty.

67. In 1983, I was a full time psychiatrist at Los Angeles County Medical Center, the same county facility which treated Jackson. During that period of time the hospital would routinely treat patients who were admitted while believed to be under the influence of alcohol or some other drug. These patients would be held for observation until they were able to cognate effectively and behave safely. My department was responsible for making that determination. The determination would be made by evaluating the patient serially during their hospitalization. Upon admittance, blood and urinalysis tests, and often an electroencephalogram ("EEG") test, would be conducted.[1] These tests provided a reference point for the specific patient in addition to helping determine if the condition was drug-related. Concurrently, the patient would be given various psychological-neurological tests which would be considered in conjunction with the other tests results to determine the mental condition of the patient, namely, was there an impairment, what treatment was needed, and could the patient be rehabilitated? All of these tests would be repeated regularly, on a daily or weekly basis, to

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1. The EEG test is a well-recognized test often used to help physicians determine the etiology of a patients's condition. It was used in 1983 to help treat patients who were disoriented, violent or who experienced seizures.

determine the remaining drug level and the change in the mental state. The patient would be monitored until the drug levels in his body disappeared or dropped to low levels such that he was able to perform the most basic mental processes and could function safely in the community.

68. The psychological-neurological tests include (a) MMPI, and associated tests of mental function; (b) computerized neuropsychological tests, i.e., psychological tests which permit specific tests of concrete and abstract mental tasks; and (c) the "EEG and Evoked Potentials," which measure involuntary brain wave responses to light and sound.

69. All of the above-described tests were available and commonly used at Los Angeles County Medical Center in 1983. However, with the exception of initial blood and urinalysis tests, none of the tests were conducted, even though it appears that police suspected petitioner was a "duster" who was intoxicated at the time of the homicide. It also appears that hospital personnel likewise suspected PCP intoxication. While Jackson's intoxication was confirmed by a blood test and urinalysis, the status of his cognitive abilities objectively could have been determined further by repeated blood tests and urinalysis combined with one or more of the described psychological-neurological tests, as was commonly done when psychiatric or neurological evaluations were performed at LAC/USC. Given the circumstances surrounding Jackson's admittance to the hospital, the killing of a police officer, obvious intoxication, his obtunded state, the impact of dialysis, and the need of the police to obtain a statement, Jackson's mental state could have been rigorously evaluated. Even if these tests had been conducted a month, maybe two, after the incident, the results would have provided objective support for Michael Jackson's amnestic state and his cognitive impairment.

70. These tests apparently were never conducted. When Michael was eventually evaluated by Drs. Mead and Skrdla, neither doctor attempted to determine that his mental state was at the time of the incident. Adipose tissue removal could have been performed which would have shown levels of PCP and possibly other drugs. Using this procedure, and incision is made into the patient to obtain fat cells for analysis. Since PCP and many other drugs are fat soluble, they remain in the fat for several months or years. Used in conjunction with the battery of psychiatric tests, adipose tissue removal could have established, several months later and before trial, the validity of petitioner's amnestic condition at the time of the incident. Instead, both doctors focused only on whether Michael Jackson was then mentally able to understand the trial proceedings.

71. After as I was retained in this case in 1992, I was asked to conduct a clinical evaluation of Michael Jackson, who is incarcerated on death row at San Quentin. I visited him in the fall of 1992 for two consecutive days to obtain medical and factual background, to test his memory and veracity, and to make clinical PCP user for at least 7 years before the homicide and used PCP most days of the week. I also am of the opinion that Jackson has no memory of the homicide in 1983 and has not recovered any memory since 1983. His PCP-induced cerebral dysfunction at the time of the homicide physiologically shut down his brain so that he was not conscious of what he was doing and his brain could not register memory of events between 11:00 a.m. and 1:30 p.m. on August 31, 1983.